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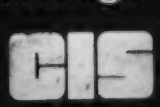

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Calendar No. 597

101ST CONGRESS *2d Session*	SENATE	REPORT 101-325

CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "ROSE"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 2623

JUNE 8 (legislative day, APRIL 18), 1990.—Ordered to be printed

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101ST CONGRESS
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101-325

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2623]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2623) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel *Rose,* having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 2623, as reported, grants coastwise trade, fishery, and Great Lakes trade privileges to the vessel *Rose.*

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act, section 27 of the Merchant Marine Act of 1920 (46 App. U.S.C. 883), together with the vessel documentation requirements, sections 12106 through 12108 of title 46, U.S. Code, provides that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, Great Lakes trade, or engage in the fisheries of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading

or fishery privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel *Rose*, U.S. official number 928811, is a 109.5-foot, wooden replica of a three-mastered 18th century naval frigate. The vessel was built in Nova Scotia in 1970 and owned and operated by "HMS" Rose Foundation, Inc., a non-profit, tax-exempt, IRS 501(c)(3) foundation. The owner is seeking to have the vessel Coast Guard-certified for educational use. With this vessel, junior high and high school students would be taught natural history pertaining to fisheries and ecology of Long Island Sound. The vessel will sail from the Great Lakes in the summer of 1990. The owner seeks permission to engage in bottom trawling and to carry souvenirs for the benefit of the students.

Since the vessel was built foreign, the vessel always has had its coastwise trade and fishery privileges restricted. Therefore, the owner of the *Rose* is seeking a statutory waiver of the Jones Act and title 46.

Legislative History

S. 2623 was introduced on May 15, 1990, by Senator Lieberman. In open executive session on May 22, 1990, the Committee considered S. 2623, and ordered the legislation reported favorably without objection and without amendment.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 25, 1990.

Hon. Ernest F. Hollings,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2623, a bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States, Great Lakes trade, and fisheries for the vessel "Rose." The bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 22, 1990. Enactment of S. 2623 would not result in any cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

Robert D. Reischauer,
Director.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 2623 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

Section-by-Section Analysis

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, U.S. Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of the bill, the vessel *Rose,* U.S. official number 928811, is eligible to engage in the Great Lakes trade, and the coastwise trade and fisheries of the United States, and that the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for such vessel.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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